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EXAMINER	
LEE, ANDREW CHUNG CHEUNG	

ART UNIT	PAPER NUMBER
2476	

MAIL DATE	DELIVERY MODE
11/22/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/021,205	CARVEY ET AL.	
	Examiner	Art Unit	
	Andrew C. Lee	2476	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 September 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5,7,10 and 15-18* is/are pending in the application.

4a) Of the above claim(s) *2,4,6,8,9 and 11-14* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5,7,10 and 15-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 2, 4, 6, 8 – 9, 11 – 14 had been canceled.

2. Claims 1, 3, 5, 7, 10, 15 – 18 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3, 5, 7, 10, 15, 16, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (US 20040037278 B1), and Gifford (6052718) in view of Narvaez-Guarnieri et al. (6098107).

Regarding claim 1, Wong et al. disclose a network router to route data packet *(Fig. 1, element 10, packet switch as network router; Abstract, paras. [0012], [0013])*, except Internet Protocol (IP) data packet comprising: Wong et al. disclose a plurality of trunk ports, including a composite port of plural ports to plurality trunks which serve as a composite trunk to a common destination *("a plurality of network ports"; "at least one trunk formed by a plurality of aggregated network links"; Abstract, paras. [0012], [0013]);* a routing fabric for transfer of data packets between trunk ports *("switching fabric" as routing fabric; Fig. 2, element 10 switch fabric, para. [0044]),* except IP data packets and Wong et al. also disclose an output port selector *("a network output port arbitration sub-system" as an output port selector; para. [0052], Fig. 3A)* configured to use a

destination address of the data packets to select an output port for a packet from a composite port *("a network output port arbitration sub-system" as an output port selector; para. [0042], [0052], Fig. 3A)*, except a destination IP address of the IP data packets, Wong et al. further teach the output port selector balancing load across the trunks of a composite trunk *("a network output port arbitration sub-system" as an output port selector; para. [0052], Fig. 3A; "the loading of each of the network links of each of the trunked links is proportional to the number of packets transmitted to the particular link, and is determined in accordance with the type of load balancing scheme" as* balancing load across the trunks of a composite trunk*; Fig. 2, element 168, para. [0040], [0044], [0048]; [0052])* except by dynamically weighting a number of entries to each route to the common destination**.** Wong et al. do not disclose explicitly IP data packets and a destination IP address of the IP data packets, and by dynamically weighting a number of entries to each route to the common destination.

Gifford in the same field of endeavor teaches IP data packets and a destination IP address of the IP data packets *("request message', "target IP address"; Fig. 6, col. 4, lines 24 – 54; Fig. 5a- 5b, col. 9, lines 35 – 54).* It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wong et al. to include IP data packets and a destination IP address of the IP data packets as taught by Gifford in order to provide a system for directing a client computer to a server replica that is estimated to provide good performance for the client computer *(as suggested by Gifford, see col. 6,*

lines 1 – 5). Gifford implicitly discloses dynamically weighting a number of entries to each route to the common destination *(col. 11, lines 31 – 62).*

The combined system of Wong et al. and Gifford does not disclose explicitly by dynamically weighting a number of entries to each route to the common destination.

Narvaez-Guarnieri et al. in the same field of endeavor teach dynamically weighting a number of entries to each route to the common destination *("…. A weight (or distance) is associated with each link and the shortest path tree is ……between source and destination node."; col. 1, lines 30 – 48, lines 58 – 65; "…dynamically updating the Shortest Path Tree structure,……", col. 2, lines 26 – 33).* At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Wong et al. and Gifford to include the features of dynamically weighting a number of entries to each route to the common destination as taught by Narvaez-Guarnieri et al. One of ordinary skill in the art would be motivated to do so for providing algorithms for determining the routing of information data packets in a communications network, and particularly, a method implemented in a router for determining the shortest path for communicating packets to one of a plurality of inter-connected routers in a communications network *(as suggested by Narvaez-Guarnieri et al., see col. 1, lines 10 – 15).*

Regarding claim 3, Wong et al. disclose a network router to route data packet *(Fig. 1, element 10, packet switch as network router; para. [0012]*), except Internet Protocol (IP) data packets comprising: Wong et al. disclose a plurality of

trunk ports, including a composite port of plural ports to plural trunks which serve as a composite trunk to a common destination *("at least one trunk formed by a plurality of aggregated network links; para. [0012], [0013]);* a routing fabric for transfer of data packets between trunk ports *("switching fabric" as routing fabric; Fig. 2, element 10 switch fabric, para. [0044]),* except IP data packets; and an output port selector *("a network output port arbitration sub-system" as an output port selector; para. [0052], Fig. 3A)* configured to use a destination address of the data packet to select an output port for the data packet from a composite port according to a table *("a network output port arbitration sub-system" as an output port selector; para. [0042], [0052], Fig. 3A*), Wong et al. also disclose for a load to approach balance across the trunks *(….loading of the aggregated network links of the trunk is balanced.,…..."; Abstract)*, except a destination IP address of the IP data packet and IP data packets, and routes in the table being dynamically rewritable.

Wong et al. do not disclose explicitly IP data packets and a destination IP address of the IP data packets, and routes in the table being dynamically rewritable.

Gifford in the same field of endeavor teaches IP data packets and a destination IP address of the IP data packets *("request message', "target IP address"; Fig. 6, col. 4, lines 24 – 54; Fig. 5a- 5b, col. 9, lines 35 – 54),* and routes in the table being dynamically rewritable *("routing database….update dynamically,……"; col. 11, lines 31 – 62).* It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wong et al.

to include IP data packets and a destination IP address of the IP data packets as taught by Gifford in order to provide a system for directing a client computer to a server replica that is estimated to provide good performance for the client computer *(as suggested by Gifford, see col. 6, lines 1 – 5).*

Regarding claim 5, Wong et al. disclose a method of routing data packets in a network *("a local area network switch including a plurality of network ports for transmitting and receiving packets to and from network nodes via network links"; para. [0012]),* except Internet protocol (IP) data packet comprising: Wong et al. disclose identifying a destination of the data packets *("the packet having a source value and a destination address value indicating a destination node"; para. [0013]),* forwarding the data packets toward the destination on the selected trunk *(para. [0040], [0043]),* except IP data packet; Wong et al. also disclose selecting one of plurality trunks forming a composite trunk to the destination based on a destination address of the data packets *(para. [0042], [0052], Fig. 3A)*, except a destination IP address of the IP data packets, the trunk being selected *("the loading of each of the network links of each of the trunked links is proportional to the number of packets transmitted to the particular link, and is determined in accordance with the type of load balancing scheme" as adjustable weighting; paras. [0040], [0042]),* except by dynamically weighting a number of entries to each route to the common destination. Wong et al. do not disclose explicitly IP data packets and a destination IP address of the IP data packets, and by dynamically weighting a number of entries to each route to the common destination.

Gifford in the same field of endeavor teaches IP data packets and a destination IP address of the IP data packets *("request message', "target IP address"; Fig. 6, col. 4, lines 24 – 54; Fig. 5a- 5b, col. 9, lines 35 – 54).* It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wong et al. to include IP data packets and a destination IP address of the IP data packets as taught by Gifford in order to provide a system for directing a client computer to a server replica that is estimated to provide good performance for the client computer *(as suggested by Gifford, see col. 6, lines 1 – 5).* Gifford implicitly discloses dynamically weighting a number of entries to each route to the common destination *(col. 11, lines 31 – 62).*

The combined system of Wong et al. and Gifford does not disclose explicitly by dynamically weighting a number of entries to each route to the common destination.

Narvaez-Guarnieri et al. in the same field of endeavor teach dynamically weighting a number of entries to each route to the common destination *("…. A weight (or distance) is associated with each link and the shortest path tree is ……between source and destination node."; col. 1, lines 30 – 48, lines 58 – 65; "…dynamically updating the Shortest Path Tree structure,……", col. 2, lines 26 – 33).* At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Wong et al. and Gifford to include the features of dynamically weighting a number of entries to each route to the common destination as taught by Narvaez-Guarnieri et al. One of ordinary skill in the art would be motivated to do so for providing algorithms for

determining the routing of information data packets in a communications network, and particularly, a method implemented in a router for determining the shortest path for communicating packets to one of a plurality of inter-connected routers in a communications network *(as suggested by Narvaez-Guarnieri et al., see col. 1, lines 10 – 15).*

Regarding claim 7, Wong et al. disclose a method of routing data packets in a network ("a local area network switch including a plurality of network ports for transmitting and receiving packets to and from network nodes via network links"; para. [0012]), except Internet Protocol (IP) data packets comprising: Wong et al. disclose identifying a destination of the data packets *("the packet having a source value and a destination address value indicating a destination node"; para. [0013])*, except IP data packets; selecting one of plural trunks forming a composite trunk to the destination based on a destination address of the data packets *(para. [0042], [0052], Fig. 3A)*, except a destination IP address of the IP data packets, , except routes in the table being dynamically rewritable for a load to approach balance across the trunks.

Wong et al. also disclose the trunk being selected according to a table *(para. [0042], [0043]),* and for a load to approach balance across the trunks *(….loading of the aggregated network links of the trunk is balanced.,…..";* *Abstract)*, except a destination IP address of the IP data packet and IP data packets, and routes in the table being dynamically rewritable.

Wong et al. do not disclose explicitly IP data packets and a destination IP address of the IP data packets, and routes in the table being dynamically rewritable.

Gifford in the same field of endeavor teaches IP data packets and a destination IP address of the IP data packets *("request message', "target IP address"; Fig. 6, col. 4, lines 24 – 54; Fig. 5a- 5b, col. 9, lines 35 – 54),* and routes in the table being dynamically rewritable *("routing database….update dynamically,……"; col. 11, lines 31 – 62).* It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wong et al. to include IP data packets and a destination IP address of the IP data packets as taught by Gifford in order to provide a system for directing a client computer to a server replica that is estimated to provide good performance for the client computer *(as suggested by Gifford, see col. 6, lines 1 – 5).*

Regarding claim 10, Wong et al. disclose the limitation of a method of routing packets in a network *("a local area network switch including a plurality of network ports for transmitting and receiving packets to and from network nodes via network links"; para. [0012]).* Wong et al. also teach network is Ethernet and route packet through Ethernet.

Wong et al. do not disclose explicitly claimed wherein the network is the Internet and the packets are routed under an Internet protocol.

Gifford in the same field of endeavor teaches the network is the Internet *("element 10, internet"; Fig. 1)* and the packets are routed under an Internet protocol *("…IP routing procedures.,,,,,", col. 3, lines 66 – 67, col. 4, lines 1 – 10,*

lines 26 – 37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wong et al. to include the network is the Internet and the packets are routed under an Internet protocol as taught by Gifford in order to provide a system for directing a client computer to a server replica that is estimated to provide good performance for the client computer *(as suggested by Gifford, see col. 6, lines 1 – 5).*

Regarding claims 15, 16, the combined system of Wong et al. and Gifford does not disclose explicitly a network router, and a method claimed wherein dynamically weighting the number of entries favors a shortest route to the destination.

Narvaez-Guarnieri et al. in the same field of endeavor teach wherein dynamically weighting the number of entries favors a shortest route to the destination *("compute the shortest path tree (SPT) …., a weight (or distance) is associated with each link…," dynamically update....."; col. 1, lines 31 - 48; col. 2, lines 26 - 33).* At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Wong et al. and Gifford to include the features of wherein dynamically weighting the number of entries favors a shortest route to the destination as taught by Narvaez-Guarnieri et al. One of ordinary skill in the art would be motivated to do so for providing algorithms for determining the routing of information data packets in a communications network, and particularly, a method implemented in a router for determining the shortest path for communicating packets to one of a plurality of

inter-connected routers in a communications network *(as suggested by Narvaez-Guarnieri et al., see col. 1, lines 10 – 15).*

Regarding claims 17, 18, the combined system of Wong et al. and Gifford does not disclose explicitly wherein a first dynamically rewritable route in the table is configured to be rewritten with a second dynamically rewritable route in the table.

Narvaez-Guarnieri et al. in the same field of endeavor teach wherein a first dynamically rewritable route in the table is configured to be rewritten with a second dynamically rewritable route in the table *("routing table…"; col. 1, lines 31 – 48; Fig. 4, Fig. 5, col. 7, lines 21 – 50).* At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Wong et al. and Gifford to include the features of wherein a first dynamically rewritable route in the table is configured to be rewritten with a second dynamically rewritable route in the table as taught by Narvaez-Guarnieri et al. One of ordinary skill in the art would be motivated to do so for providing algorithms for determining the routing of information data packets in a communications network, and particularly, a method implemented in a router for determining the shortest path for communicating packets to one of a plurality of inter-connected routers in a communications network *(as suggested by Narvaez-Guarnieri et al., see col. 1, lines 10 – 15).*

Response to Arguments

5. Applicant's arguments filed on 09/07/2010 with respect to claims 1, 3, 5, 7, 10, 15, 16, 17, 18 have been fully considered but they are not persuasive.

Regarding claims 1, 5, 10, 15, and 16,

Applicant remarks that “Applicants respectfully note a discrepancy between page 2 of the Office Action citing to Ahmadi and page 4 of the Office Action citing to Narvaez-Guarnieri et al., U.S. Patent No.: 6,098,107 (hereinafter "Narvaez") as the tertiary reference under 35 U.S.C. § 103(a). Based on the cited columns and applicable quotations listed on page 4 of the Office Action, Applicants assume Ahmadi was mistakenly written on page 2 in the place of Narvaez; as such, Applicants respond in kind.”

In response to the Applicants’ remark for the discrepancy between page 2 of the Office Action citing to Ahmadi and page 4 of the Office Action citing to Narvaez-Guarnieri et al., U.S. Patent No.: 6,098,107, Examiner thanks the applicants for pointing out the discrepancy. The third prior art cited should be Narvaez-Guarnieri et al. (6098107).

Applicants argues that “The Office acknowledges that Wong and Gifford fail to disclose "dynamically weighting a number of entries to each route to the common destination," as recited in Applicants' Claim 1. The Office further cites Gifford col. 11, lines 31-62 as being said to "implicitly disclose[] dynamically weighting a number of entries to each route to the common destination (emphasis added)." Office Action, page 3, last para. However, Applicants respectfully note that no such implicit inference exists in Gifford because, in actuality, the cited portion states, "the replica router further being programmed to update dynamically the replica routing database based on internetwork performance information periodically received by the replica router, wherein the period of updates may dynamically change." Gifford, col. 11, lines 48-52. In other words, Gifford's router is merely updating a routing database dynamically, which fails to teach or describe *"balancing load across the trunks of the composite trunk by dynamically weighting a number of entries to each route to the common destination,"* as recited in Applicants' Claim 1 (emphasis added).

In response to the Applicants’ remark/argument, Examiner respectively disagrees.

Examiner contends the combined system of Wong et al. and Gifford discloses the claim subject matter of balancing load across the trunks of the composite trunk by dynamically weighting a number of entries to each route to

the common destination. Reference Wong et al. disclose of balancing load across the trunks of the composite trunk, see Wong et al., Fig. 2, element 168, para. [0040], [0044], [0048]; [0052]. “balancing load across the trunks of a composite trunk” is interpreted as “a network output port arbitration sub-system” as an output port selector; para. [0052], Fig. 3A; “the loading of each of the network links of each of the trunked links is proportional to the number of packets transmitted to the particular link, and is determined in accordance with the type of load balancing scheme”; Fig. 2, element 168, para. [0040], [0044], [0048]; [0052]. While reference Gifford discloses implicitly dynamically weighting a number of entries to each route to the common destination, see Gifford, col. 11, lines 31 – 62. The claim subject matter “dynamically weighting a number of entries to each route to the common destination” is interpreted as “be directed based on the performance metric values of the server replicas as calculated by the replica router, the replica router further being programmed to update dynamically the replica routing database based on internetwork performance information periodically received by the replica router, wherein the period of updates may dynamically change, the server replica to which the client computer is directed being programmed to respond to a network request from the client computer”.

Applicants then argue that “In addition, the Office cites Narvaez as being said to explicitly disclose "balancing load across the trunks of the composite trunk by dynamically weighting a number of entries to each route to the common destination," as in Applicants' Claim 1.

However, Narvaez generally describes a method for computing a shortest path tree (SPT) structure for nodes in an interconnected network. See Narvaez, Abstract. Specifically, Narvaez discloses algorithms to be "employed in Internet routers for dynamically updating the shortest path tree structure after one or more link state changes." Narvaez, col. 2, lines 25-28 (emphasis added). In other

words, Narvaez's "shortest path algorithms" are disclosed as being "dynamic" because these algorithms minimize the number of SPT changes, as compared to the number of changes when a new SPT is computed from scratch, in order to update the SPT structure, which is the topology structure of the SPT and not the weight of entries. See Narvaez, col. 2, lines 34- 41. Narvaez's minimizing of the number of computations required to update the topology structure of the SPT does not disclose "balancing load.., by dynamically weighting entries to each route." Narvaez is merely concerned with updating the topology structure and contains no information regarding the weights of the links being related to the number of entries to each route. As such, Applicants respectfully submit that Narvaez is not "balancing load across the trunks of the composite trunk by dynamically weighting a number of entries to each route to the common destination," as in Applicants' Claim 1.

Therefore, Applicants respectfully submit that the hypothetical system combining Wong, Gifford, and Narvaez would fail to teach all elements of Applicants' Claim 1, and, thus, Claim 1 is novel and non-obvious over the cited art. Independent Claim 5 includes similarly patentably distinguishing features as Claim 1; Claims 10, 15, and 16, which depend from Claims 1 or 5, include the same elements from which they depend; therefore, Applicants respectfully submit that the rejections of Claims 1, 5, 10, 15, and 16 are overcome and request withdrawal of same.

In response to the Applicants' remark/argument, Examiner respectively disagrees.

Examiner contends the combined system of Wong et al. and Gifford and Narvaez-Guarnieri et al. discloses all the limitations as in claim 1.

Page 9 of applicants' specification (lines 9 – 27) discloses the shortest path/route algorithm – "weights the number of entries to each route to favor the shortest route. Hence the shortest route is referred as weighting of the routing/forwarding table entries. Hence reference Narvaez-Guarnieri et al. cited is proper.

The combined system of Wong et al. and Gifford discloses all the limitations as disclosed in claim 1, except explicitly dynamically weighting a number of entries to each route to the common destination. While reference Narvaez-Guarnieri et

al. remedies the deficiencies of Wong et al. and Gifford by disclosing the claim subject matter of dynamically weighting a number of entries to each route to the common destination.

Examiner interpreted “dynamically weighting a number of entries to each route to the common destination” as … A weight (or distance) is associated with each link and the shortest path tree is ……between source and destination node.”; col. 1, lines 30 – 48, lines 58 – 65; “…dynamically updating the Shortest Path Tree structure,……”, see Narvaez-Guarnieri et al. col. 2, lines 26 – 33.

Regarding claims 3, 7, and 17, 18,

Applicants further argue that "Claims 3, 7, and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of Gifford. Independent Claims 3 and 7 contain similarly patentably distinguishing elements as Claims 1 and 5, e.g., "routes in the table being dynamically rewritable for a load to approach balance across the trunks," and, therefore, the arguments above similarly apply here. In addition, the Office acknowledges that Wong does not disclose "IP data packets'," "a destination IP address of the IP data packets'," or "routes in the table being dynamically rewritable," and cites Gifford for these elements. However, the cited portion of Gifford states, "the replica router further being programmed to update dynamically the replica routing database based on internetwork performance information." Gifford, col. 11, lines 49-52. In other words, Gifford is updating a database regarding performance information overall; whereas, Applicants' Claims 3 and 7 have each route of a composite trunk being dynamically rewritten in a table. Furthermore, the invention disclosed by Gifford neither relates to nor discloses composite trunking; therefore, no person having ordinary skill in the art would combine Wong and Gifford. As such, Gifford and Wong, in combination or alone, fail to disclose all elements of Applicants' Claims 3 and 7; accordingly, Applicants respectfully submit that the rejections of Claims 3 and 7, as well as Claims 17, and 18, which depend there from, are overcome and request withdrawal of same.

In response to the Applicants’ remark/argument, Examiner respectively disagrees.

Examiner contends the combined system of Wong et al. and Gifford discloses all the limitations as in claims 3, 7.

Examiner interpreted the claim subject matter "for a load to approach balance across the trunks" as….loading of the aggregated network links of the trunk is balanced.,….."; see Wong et al., Abstract, while reference Gifford cited remedies the deficiencies of Wong et al. by disclosing a destination IP address of the IP data packet and IP data packets, and routes in the table being dynamically rewritable. Examiner interpreted "routes in the table being dynamically rewritable" as "routing database…. be directed based on the performance metric values of the server replicas as calculated by the replica router, the replica router further being programmed to update dynamically the replica routing database based on internetwork performance information periodically received by the replica router, wherein the period of updates may dynamically change, the server replica to which the client computer is directed being programmed to respond to a network request from the client computer"; see Gifford, col. 11, lines 31 – 62.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2476<1Q11::11_17_10>

/Salman Ahmed/

Primary Examiner, Art Unit 2476